

ASSEMBLY BILL

No. 2715

Introduced by Assembly Member Bass

February 19, 2010

An act relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2715, as introduced, Bass. Sentencing: three strikes: Legislative Analyst report.

Existing law establishes the Legislative Analyst's Office. Existing law, commonly known as the "3 strikes" law, provides that if a defendant has been convicted of any felony, and it has been pled and proved that the defendant has one or more prior serious or violent felony convictions, as defined, then the court must sentence the defendant to an enhanced prison term, as specified. These provisions, one set of which was added by initiative, may be amended by the Legislature only by a statute passed by a $\frac{2}{3}$ vote of each house.

This bill would require that the Legislative Analyst shall, no later than January 1, 2012, examine the "3 strikes" statutes, and report its findings to the Legislature on the fiscal costs, the state of public safety due to its enforcement, any benefits or repercussions of those statutes, and other specified findings. The bill would require the Judicial Council, the Attorney General, and the University of California, upon approval by the Board of Regents, to assist the Legislative Analyst in conducting the study.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislative Analyst shall, no later than
2 January 1, 2012, examine the “three strikes” statutes, and report
3 its findings to the Legislature on the fiscal costs, the state of public
4 safety due to its enforcement, and any benefits or repercussions
5 of those statutes. The Judicial Council, the Attorney General, and
6 the University of California, upon approval by the Board of
7 Regents, shall assist the Legislative Analyst in conducting the
8 study.

9 (b) The report shall examine, at a minimum, the extent to which
10 reductions in serious crime can be attributed to the mandatory
11 incarceration policies and shall compare any ascertainable benefits
12 from crime prevention through incapacitation of various types of
13 offenders. Additionally, the Legislative Analyst shall identify the
14 current and projected costs of the mandatory incarceration,
15 especially in light of the aging inmate population, the federally
16 appointed receiver, and the federal three judge panel addressing
17 inmate issues.

18 (c) The study shall include an assessment of the costs to victims
19 as a result of being victimized and the consequent costs to state
20 and local governments. The study shall also assess the manner in
21 which the three strikes statutes are implemented in representative
22 urban, rural, and mixed urban-rural counties. The study shall utilize
23 existing resources of the participating agencies.